

Message Text

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EB/ORF/FSE:SWBOSWORTH (DRAFT)

L: MR. SCHWEBEL(SUBSTANCE)

S/S:FVORTIZ

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TO USDEL SECRETARY IMMEDIATE

S E C R E T STATE 202491 TOSEC 100155

NODIS

E.O. 11652:XGDS-3

TAGS: PFOR, ENRG

SUBJECT: ; S. LEGAL AUTHORITY TO SUPPLY OIL TO ISRAEL

FOR SISCO AND LEIGH

REF: A) STATE 199872

B) STATE 199877

1. WE HAVE BEEN ASSURED THAT MORE THAN ENOUGH OFF-SHORE OIL TO COVER ISRAEL'S DAILY CONSUMPTION IS PIPED TO ON-SHORE TERMINALS WITHOUT CROSSING FEDERAL RIGHTS-OF-WAY GRANTED UNDER MINERIAL LEASING ACT AND IS THUS NOT SUBJECT TO EXPORT RESTRICTIONS OF QUOTE ALASKA PIPELINE ACT END QUOTE.

2. TOGETHER WITH CONCLUSION REF (A), THIS MEANS WE COULD UNDERTAKE COMMITMENT TO SUPPLY ISRAEL IN CASE OF EMBARGO. OF COURSE, IN PRACTICE, IT IS LIKELY THAT IN ALL BUT

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THE MOST EXTREME SITUATIONS IN WHICH VIRTUALLY ALL EXPORT-

ERS EMBARGO SHIPMENTS TO ISRAEL, WE COULD SUPPLY OIL TO ISRAEL BY MEANS OF SWAPS. WE COULD USE OIL TO WHICH THE USG IS ENTITLED AS ROYALTY, OR OIL PURCHASED THROUGH FIRST-REFUSAL RIGHT OR ON SPOT MARKET TO SWAP WITH UNITED STATES IMPORTERS FOR CARGOES FROM FOREIGN EXPORTERS WHICH WOULD

THEN BE DIVERTED TO ISRAEL.

3. WE EXPECT OPINION ON AUGUST 26 FROM OFFICE OF LEGAL COUNSEL, DEPARTMENT OF JUSTICE, ON OUR LEGAL CONCLUSION REPORTED REF (A). ON BASIS FURTHER RESEARCH AND INTENSIFIED CONSULTATIONS WITH OTHER AGENCIES, WE ARE HOPEFUL OLC WILL AGREE THAT WE HAVE AUTHORITY, NOT JUST ARGUABLE AUTHORITY, TO HNDERTAKE COMMITMENT SUBJECT TO CONDITIONS SPELLED OUT REF (A). INGERSOLL

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